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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,912	09/17/2003	Stephany Jean Head	4803.001	2623
7590 William C. Schrot Liniak, Berenato & White, LLC Suite 240 6550 Rock Spring Drive Bethesda, MD 20817			EXAMINER POND, ROBERT M	
			ART UNIT 3625	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,912	HEAD, STEPHANY JEAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Pond	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 20 October 2006. Undue search burden exists.

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 8, 9, and 11-14 are rejected under 35 USC 103(a) as being unpatentable over Thompson (US 2002/0072957) in view of Official Notice (regarding notoriously old and well known in the arts).**

Thompson teaches a system and method of increasing the win probability of a complex sale by assessing buying organization factors and competitive factors against a win model designed to advise the sales person throughout the sales cycle (see at least abstract; 0001-0020). Thompson discloses probability as a numerical range from zero to one (or 0-100%) and further discloses positive and negative outcomes (see at least 0010; 0140) Thompson further teaches:

- assigning a value to a change in wealth factor of an organization; wealth factors (e.g. "customer has money and a need. This sale will happen").

Please note: system advisor rates opportunity as "high" probability based on financial factor but would alter the win probability if customer lost funding (see at least Fig. 19a (244, 246); .

- comparing the assigned value to a predetermined value range; compares actual data with model data (see at least abstract; 0015-0019; 0047).
- assigning a neutral value position to the organization if the assigned value is within the predetermined value range; Inherent in Thompson are the structures necessary to permit assigning a neutral value to the organization if the assigned value is within the predetermined value range. For example, the system of Thompson assigns a neutral value (i.e. medium as compared with either "high" or "low") to "funding at risk." To do

so requires the system to determine the numerical boundaries between low, medium and high (see at least Fig. 19a (246); 0043; 0155).

- assigning a positive value position to the organization if the assigned value is greater than the predetermined value range; Inherent in Thompson are the structures necessary to permit assigning a positive value to the organization if the assigned value is within the predetermined value range. For example, the system of Thompson assigns a positive value (i.e. high as compared with either “medium” or “low”) to “customer has money and a need.” To do so requires the system to determine the numerical boundaries between low, medium and high (see at least Fig. 19a (246); 0043; 0155).
- and assigning a negative value position to the organization if the assigned value is less than the predetermined value range. Inherent in Thompson are the structures necessary to permit assigning a negative value to the organization if the assigned value is within the predetermined value range. For example, the system of Thompson assigns a negative value (i.e. high as compared with either “medium” or “high”) to “customer doesn’t has money or need.” To do so requires the system to determine the numerical boundaries between low, medium and high (see at least Fig. 19a (246); 0043; 0155).
- assigning a value to each of a plurality of change in wealth factors; wealth factor such as “has money and a need” receives a high value as noted

above; wealth factor such as “doesn’t have money or a need” as noted above.

- framing a first response if a neutral value position is assigned to the organization and framing a second response if one of a positive value position and a negative value position is assigned to the organization.

Frames responses in terms of value assigned to wealth factors of buying organization as noted above (see at least Fig. 19a-b).

Thompson teaches all the above as noted under the 103(a) rejection and teaches a) probability as a numerical percentage (0-100%), b) assigning high, medium, and low as relative values associated with win probabilities, and c) positive and negative outcomes, but doesn’t specifically assign positive, neutral, and negative values. On the other hand, the Examiner takes the position that it is notoriously old and well known dating back to Benjamin Franklin to assess achievement factors by listing pros/cons (or positive to negative scale) and summing the totals to assess such things as ability to achieve success in order to simplify the understanding of a situation or outcome. For example, contractors competing for a federal contract typically assign positive/neutral/negative values to factors involving internal capabilities and competitors. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Thompson to assign values on a positive to negative scale as taught by Official Notice, in order to simplify the understanding of a situation or outcome.

**3. Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Thompson (US 2002/0072957) and Official Notice (regarding notoriously old and well known in the arts).**

Thompson and Official Notice teach all the above as noted under the 103(a) rejection and teaches buying organization factors having an influence on win probabilities and change in organization factors, but do not specifically disclose wealth factors are selected from the group consisting of a merger, an acquisition, a divestment, a regulation change, a change in market demand, a change in margin, a change in shareholder value, a change in distribution channels, a change in revenue streams, a change in credit rating, a change in facilities requirements, a change in competition, a change in business requirements, a change in support systems, a phase-out of applications, a change in techtronic trends, a default on a contract, a reduction in force, an ERO, a change in personnel, a change in business lines, a change in product structure, a Securities and Exchange Commission investigation, and a security breach. One the other hand one of ordinary skill in the art would ascertain that internal and external factors beyond funding contribute to a buying organization's procurement needs. For example, examining the buying organization's annual report (if public) or filing with the SEC covers a litany of internal and external business factors that influence a buying organization's procurement needs. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the Thompson and Official Notice to address a litany of internal and external

business factors as ascertained by one of ordinary skill in the art, in order to account for other factors that influence an organization's procurement needs.



### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6,963,854 (Boyd et al.) 08 November 2005; teaches increasing win probability using a market response model.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond  
Primary Examiner  
December 24, 2006